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ABSTRACT

This publication is a source of basic information about the history and current workings of the land-grant university system. The first section briefly describes the nature of land grant universities as institutions that have been designated by state legislatures or Congress to receive the benefits of the Morrill Acts of 1862 and 1890. Their original mission was to teach agriculture, military tactics, and the mechanical arts as well as classical studies to the industrial classes. This section also describes their rationale, locations, and the work of Justin Smith Morrill who introduced the founding legislation. The next section describes the development of these institutions from 1862 to 1994 covering their purpose, federal funding, and later additions to the land-grant system (University of the District of Columbia, institutions in the territories, and the tribal colleges). There follows a chronology of federal legislation affecting higher education from 1787 to 1994, and a list of 105 land-grant colleges and universities grouped by state. A further section provides key passages of text from the First Morrill Act, the Second Morrill Act, the Hatch Act of 1887, the Smith-Lever Act of 1914, and the Improving America's School Act of 1994. Final sections list 15 suggested readings and offer key facts about the National Association of State Universities and Land Grant Colleges. (Contains 15 references.) (JB)

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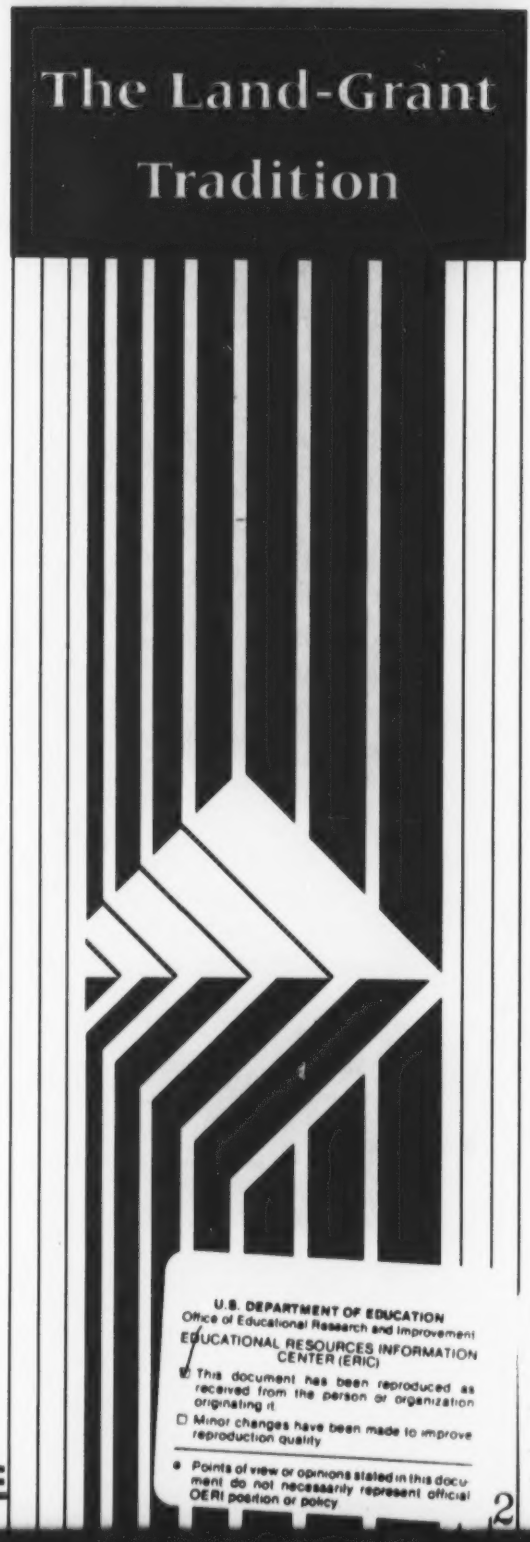
The Land-Grant Tradition



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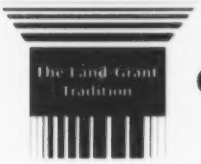

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What is NASULGC?

Founded in 1887, the National Association of State Universities and Land-Grant Colleges (NASULGC) is the nation's oldest higher education association. A voluntary association of public research universities, land-grant institutions and many state university systems, NASULGC's membership includes 181 institutions located in all 50 states, the U.S. territories and the District of Columbia. Its member campuses enroll more than 2.9 million students and claim upwards of 20 million alumni. NASULGC institutions award approximately a half-million degrees annually, including about one-third of all bachelor's and master's degrees, 60 percent of all U.S. doctoral degrees, and 70 percent of the nation's engineering degrees.

This collection of information represents NASULGC's effort to gather in one place the answers to frequently-asked questions about America's land-grant colleges and universities. It is intended to be used as a source of basic information about the history and current workings of the land-grant university system, rather than to serve as a complete and definitive guide on the subject.

We hope you find this information interesting and useful and welcome your comments or suggestions on additional information you'd like to see included in the future. Please write to:

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March 1995

What Is a Land-Grant College?

WHAT: A land-grant college or university is an institution that has been designated by its state legislature or Congress to receive the benefits of the Morrill Acts of 1862 and 1890. The original mission of these institutions, as set forth in the first Morrill Act, was to teach agriculture, military tactics, and the mechanic arts as well as classical studies so that members of the working classes could obtain a liberal, practical education.

Over the years, land-grant status has implied several types of federal support. The first Morrill Act provided grants in the form of federal lands to each state for the establishment of a public institution to fulfill the act's provisions. At different times money was appropriated through legislation such as the second Morrill Act and the Bankhead-Jones Act, although the funding provisions of these acts are no longer in effect. Today, the Nelson Amendment to the Morrill Act provides a permanent annual appropriation of $50,000 per state and territory.

A key component of the land-grant system is the agricultural experiment station program created by the Hatch Act of 1887. The Hatch Act authorized direct payment of federal grant funds to each state to establish an agricultural experiment station in connection with the land-grant institution there. The amount of this appropriation varies from year to year and is determined for each state through a formula based on the number of small farmers there. A major portion of the federal funds must be matched by the state.

To disseminate information gleaned from the experiment stations' research, the Smith-Lever Act of 1914 created a Cooperative Extension Service associated with each U.S. land-grant institution. This act authorized ongoing federal support for extension services, using a formula similar to the Hatch Act's to determine the amount of the appropriation. This act also requires that the states provide matching funds in order to receive the federal monies.

WHY: Passage of the First Morrill Act (1862) reflected a growing demand for agricultural and technical education in the United States. While a number of institutions had begun to expand upon the traditional classical curriculum, higher education was still widely unavailable to many agricultural and industrial workers. The Morrill Act was intended to provide a broad segment of the population with a practical education that had direct relevance to their daily lives.

The Second Morrill Act (1890) sought to extend access to higher education by providing additional endowments for all land-grants, but prohibiting distribution of money to states that made distinctions of race in admissions. However, states that provided a separate land-grant institution for blacks were eligible to receive the funds. The institutions that, as a result of this act, were founded or designated the land-grant for blacks in each of the then-segregated Southern states came to be known as "the 1890 land-grants." The 29 Native American tribal colleges are sometimes called the "1994 land-grants."

WHERE: There is now at least one land-grant institution in every state and territory of the United States, as well as the District of Columbia. Certain Southern states have two land-grant institutions as a result of the Second Morrill Act, and some western and plains states have several of the 1994 land-grant tribal colleges.

WHO: Justin Smith Morrill, a representative and later a senator from Vermont, sponsored the land-grant legislation that bears his name and is generally credited as having secured its passage. Prior to Morrill's support for land-grant legislation, Jonathan Baldwin Turner, a Yale-educated farmer, newspaper editor, and college professor, made education for the working class his cause in the mid-nineteenth century. His "Plan for a State University for the Industrial Classes" advanced ideas that are now fundamental to the land-grant system, such as experimental research in agriculture.

WHEN: Morrill first introduced a land-grant bill in Congress in 1857, which after much struggle was passed in 1859 only to be vetoed by President James Buchanan. In 1861 Morrill introduced another land-grant bill that increased to 30,000 acres the grant for each senator and representative and added a requirement that recipient institutions teach military tactics. The newly felt need for trained military officers to fight in the Civil War, along with the absence of Southern legislators who had opposed the earlier bill,

helped the Morrill Act through Congress in just six months. President Abraham Lincoln signed it into law on July 2, 1862.

HOW: The United States Department of Agriculture plays a large role in the administration of federal land-grant funds and the coordination of agricultural land-grant activities at the national level. The USDA's Cooperative State Research Service (CSRS), for example, administers both Hatch Act and Morrill-Nelson funds. A portion of the Hatch Act funding supports regional research, enabling scientists to collaborate and coordinate activities and thus avoid duplication of research efforts. The Extension Service of the USDA administers Smith-Lever funding, cooperating with state governments (which also provide funding for extension programs) to set priorities and facilitate the sharing of information within the entire Cooperative Extension System.

Because the 1890 land-grants do not receive Hatch Act or Smith-Lever funds, special programs have been created to help finance agricultural research and extension at these institutions. The Evans-Allen program supports agricultural research with funds equal to at least 15% of Hatch Act appropriations. Another program funds extension activities at the 1890 land-grants with an emphasis on reaching socially and economically disadvantaged people.

Today, America's land-grant universities continue to fulfill their democratic mandate for openness, accessibility, and service to people, and many of these institutions have joined the ranks of the nation's most distinguished public research universities. Through the land-grant university heritage, millions of students are able to study every academic discipline and explore fields of inquiry far beyond the scope envisioned in the original land-grant mission.

Development of the Land-Grant System: 1862-1994

Since their establishment, the land-grant colleges and universities have grown to represent to the world a unique system of widely accessible higher education. In the colonial days in the United States, higher education was available only at a few institutions such as Harvard, Yale, and William and Mary. These institutions at different times were subject to varying degrees of public control but were essentially privately controlled. After the Revolutionary War, the states began to organize universities as publicly controlled institutions. They were not essentially different in academic orientation from the privately controlled ones, which by that time had grown relatively strong and were setting the pace for the development of college education throughout the country.

Classical or Professional

During the first half of the 19th century, the two types of colleges and universities, publicly controlled and privately controlled, developed side by side. Both were greatly influenced by the European universities, which had educated many of their leading professors. But these European universities were organized to serve a society not predominantly democratic. University education was for the male leisure classes, government leaders, and members of the professions.

At first American institutions, functioning in somewhat the same fashion, offered chiefly the classical and professional curricula. Although the importance of science was gaining recognition, scientific education was not widely available. But by the middle of the nineteenth century, the general and scientific press were making widespread demands for more agricultural and technical education. Agricultural societies in many states also were insisting that colleges be available where students could study agriculture. One of the most notable campaigns was led by Jonathan Baldwin Turner.

A Yale graduate who had been a farmer, newspaper editor, and professor at Illinois College, Turner championed the cause of the laboring class. His "Plan for a State University for the Industrial Classes," presented in 1850, contained many of the ideas now considered fundamental to the land-grant system, such as experimental research in agriculture. (Although the relationship between Turner's plan and the eventual land-grant legislation is unclear, Turner saw his intent realized in Illinois twenty years later upon the establishment of the University of Illinois under the provisions of the Morrill Act.)

Vermont Representative Justin Smith Morrill introduced his first land-grant bill in Congress in 1857. After a year of legislative maneuvering, Congress passed the Morrill Act of 1859. President Buchanan vetoed it, essentially on the grounds that it violated the traditional policy of the federal government, which until then had left control of education to the states.

In 1861 Morrill again introduced the land-grant bill with, among other changes, the provision that the proposed institutions teach military tactics. Given the need for military officers that had been created by the Civil War, along with the absence of Southern legislators who previously had opposed the bill, the land-grant act faced a friendlier climate the second time through Congress. The Morrill Act was passed again and signed by President Lincoln on July 2, 1862.

The Purpose

There has been much discussion since the passage of the First Morrill Act as to its true intent. In the act the purpose is stated in the following words:

. . . the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the states may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.[1]

Speaking at the Massachusetts Agricultural College in 1887, 25 years after passage of the Act, Senator Morrill again set forth his views on the general purpose of the Morrill Act in the following words:

The land-grant colleges were founded on the idea that a higher and broader education should be placed in every State within the reach of those whose destiny assigns them to, or who may have the courage to choose industrial locations where the wealth of nations is produced; where advanced civilization unfolds its comforts, and where a much larger number of the people need wider educational advantages, and impatiently await their possession . . . . It would be a mistake to suppose it was intended that every student

should become either a farmer or a mechanic when the design comprehended not only instruction for those who may hold the plow or follow a trade, but such instruction as any person might need—with "the world all before them where to choose"—and without the exclusion of those who might prefer to adhere to the classics.[2]

Speaking before the Vermont Legislature in 1888, Senator Morrill said:

Only the interest from the land-grant fund can be expended, and that must be expended, first—without excluding other scientific and classical studies—for teaching such branches of learning as are related to agriculture and the mechanic arts—the latter as absolutely as the former. Obviously not manual, but intellectual instruction was the paramount object. It was not provided that agricultural labor in the field should be practically taught, and more than that the mechanical trade of a carpenter or blacksmith should be taught. Secondly, it was a liberal education that was proposed. Classical studies were not to be excluded, and, therefore, must be included. The Act of 1862 proposed a system of broad education by colleges, not limited to a superficial and dwarfed training, such as might be supplied by a foreman of a workshop or by a foreman of an experimental farm. If any would have only a school with equal scraps of labor and of instruction, or something other than a college, they would not obey the national law....

The fundamental idea was to offer an opportunity in every State for a liberal and larger education to larger numbers, not merely to those destined to sedentary professions, but to those much needing higher instruction for the world's business, for the industrial pursuits and professions of life.[3]

From the legislation itself and from Senator Morrill's statements it seems clear that at least three purposes were embodied in the legislation:

1. A protest against the dominance of the classics in higher education;

2. A desire to develop at the college level instruction relating to the practical realities of an agricultural and industrial society;

3. An attempt to offer to those belonging to the industrial classes preparation for the "professions of life." [4]

Federal Funding

From these purposes has grown a system of colleges and universities managed by each state but conforming to certain broad policy stipulations of federal law. The federal support contemplated in the initial Morrill Act was to be the income from public lands (30,000 acres or equivalent in scrip for each representative and senator) made available to each state. The state was expected to contribute to the maintenance of its land-grant institution as well as to provide its buildings.

From this modest beginning, the federal government has significantly expanded its contributions to the land-grant colleges and universities. Recognizing the need for research as a basis for developing agriculture, Congress passed the Hatch Act in 1887. This authorized federal funding for an agricultural experiment station in connection with each land-grant institution.

In 1890, the Second Morrill Act was passed, supplementing by direct appropriation the income from the land grants. To receive the money a state had to show that race or color was not an admissions criterion, or else designate a separate land-grant college for blacks. Thus was born in the then-segregated South a group of institutions known as the "1890 land-grants."

In 1914 the Smith-Lever Act established the system of cooperative extension services to bring people the benefits of current developments in the field of agriculture, home economics and related subjects.

Land-grant institutions, designed to foster a program of education suited to the needs of the agricultural and industrial classes, came to encompass a program of on-campus instruction, research, and off-campus extension work. In the decades following 1914, several acts were passed expanding the scope and increasing the support of all three aspects of the program. Now, in addition to the income from the original land grants, the appropriations of federal funds to aid the states in the maintenance of land-grant institutions amount to more than $550 million annually.

These funds are distributed to the states on several different bases. Some funds go in equal amounts to all states; some go to the states on the basis of their farm population, or on their total population in relation to the total population of the United States.

The United States Department of Agriculture (USDA) plays a key role in the administration of federal land-grant funds and the coordination of land-grant activities at the national level. The USDA's Cooperative State Research Service (CSRS), for example, administers both Hatch Act and Morrill-Nelson funds. The Extension Service of the USDA administers Smith-Lever funding, though it cooperates with state governments—which provide additional funding for extension—in setting priorities and and sharing information nationally.

Because the 1890 land-grants do not receive Hatch Act or Smith-Lever funds, special programs have been created to help finance agricultural research and extension at these institutions. The Evans-Allen program supports agricultural research with funds equal to at least 15% of Hatch Act appropriations. Another program funds extension activities at the 1890 land-

grants with an emphasis on reaching socially and economically disadvantaged people.

Later Additions to the Land-Grant System

In recent decades the land-grant system has expanded to accommodate additional U.S. jurisdictions. The University of the District of Columbia, arguing that it was "the last substantial area in the nation without the services of a land-grant college," received land-grant status and a $7.24 million endowment in lieu of a land grant in 1967. Beginning in 1971 Guam, Micronesia, American Samoa, Northern Marianas, and the Virgin Islands repeated the argument that these territories were "the only areas under the American flag which have not been allowed to participate in the land-grant college program." Their land-grant status was approved in 1972 in a Special Education Amendment, each receiving a $3 million endowment instead of land or land scrip. Research and extension funds are appropriated to these institutions on a similar basis as they are to other land-grant universities.

The Tribal Colleges

A nearly two-year campaign by the 29 tribal colleges that comprise the American Indian Higher Education Consortium (AIHEC) was brought to a successful outcome in October 1994, when Congress passed legislation granting them land-grant status. In November, the board of the National Association of State Universities and Land-Grant Colleges, which had strongly endorsed the campaign, voted to admit AIHEC as a system member of the association with one representative as a member of NASULGC's Council of Presidents. In January 1995, AIHEC became the newest member of NASULGC, the nation's oldest higher education association.

Land-grant status was conferred on the 29 Native American colleges in 1994 as a provision of the Elementary and Secondary Education Reauthorization Act. The bill also authorized a $23 million endowment for them, to be built up over five years. The colleges were to receive interest payments from the endowment each year.

In addition, the legislation authorized a $1.7 million challenge grant program for higher education programs in agriculture and natural resources, much like the successful program at the 1890 colleges, and $50,000 per school for higher education in agriculture and natural resources (similar to the original Morrill-Nelson funds).

The legislation also provided $5 million to go to the Cooperative Extension Service of the 1862 land-grant institutions in states that also have tribal colleges. The 1862 institutions were to cooperate with the tribal colleges in setting up joint agricultural extension programs focused on the needs of the Native American institutions, as identified by the tribal colleges.

The 29 1994 colleges named in the bill comprise all of the American Indian tribal colleges in the nation. Of these, 24 are tribally controlled colleges, two are tribally controlled vocational/technical colleges, two are owned and operated by the Bureau of Indian Affairs, and one is federally chartered.

The 29 American tribal colleges are located on or near reservations. Most are two-year colleges and technical schools, but three are four-year institutions, and one offers a master's degree. Located in twelve states, the schools are the most important provider of higher education opportunities for Native Americans, serving 14,000 students (almost 10,000 FTE). They have been notably successful in retaining students and sending them on to four-year colleges and universities. They also provide a variety of community services, such as family counseling, alcohol and drug abuse programs, job training and economic development.

Notes

1 Morrill Act of 1862, sec 4

2 Hon. Justin W. Morrill. Address 1887. Reprinted under title, "I Would Have Higher Learning More Widely Disseminated" by University of Massachusetts, Amherst, 1961. p. 4.

3 Hon. Justin W. Morrill. An address in behalf of the University of Vermont and State Agricultural College. Free Press Assoc., Burlington, Vt., 1888. p 1-6.

4 George A. Works and Barton Morgan. The Land-Grant Colleges. The Advisory Committee on Education, Staff Study No. 10. U.S. Government Printing Office, Washington, 1939. p. 11.

This history is based on a chapter in the 1962 Department of Health, Education and Welfare publication Land-Grant Colleges and Universities 1862-1962, by Hepry S. Brunner. The history was adapted and updated in February 1995 by the Office of Public Affairs of the National Association of State Universities and Land-Grant Colleges.

A Chronology of Federal Legislation Affecting Public Higher Education

1787—Northwest Ordinance is passed, authorizing the sale of public land for support of education, thus establishing the land-grant principle.

1862—First Morrill Act is passed and signed by President Abraham Lincoln, donating public lands to the several states, the sale of which is for the "endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

1887—The Hatch Act is passed, mandating the creation of agricultural experiment stations for scientific research.

1890—The Second Morrill Act is passed, providing further endowment for colleges. Part of this funding is to be used for institutions for black students, leading to the creation of 17 historically black land-grant colleges.

1907—Nelson Amendment to the Morrill Acts of 1862 and 1890 is passed, providing further increased appropriations to land-grant institutions.

1908—Benefits of Second Morrill Act and the Nelson Amendment extended to Puerto Rico.

1914—The Smith-Lever Act is passed, providing federal support for land-grant institutions to offer educational programs to enhance the application of useful and practical information beyond their campuses through cooperative extension efforts with states and local communities.

1934—Congress creates the National Youth Administration to enable college students to earn money by performing educationally useful tasks and to continue their studies.

1935—The Bankhead-Jones Act adds to annual appropriations for land-grant institutions.

1942—The General Equivalency Diploma (GED) program and the Military Evaluations Programs for veterans who left school to serve in World War II are established.

1944—The Servicemen's Readjustment Act (G.I. Bill of Rights), Public Law 346, provides for the higher education of veterans.

1945—The Bankhead-Flannagan Act furthers the development of cooperative extension work in agriculture and home economics.

1946—Congress passes the Fulbright Act (Public Law 584) to enable Americans to study and teach abroad.

1946—The United Nations Educational, Scientific and Cultural Organization (UNESCO) is established, which among its many other activities, provides international exchange opportunities for American scholars and administrators.

1948—The U.S. Information and Educational Exchange Act (the Smith-Mundt Act) provides for the international exchange of teachers, students, lecturers and other specialists.

1950—Point Four Program is enacted by Congress (the Foreign Economic Assistance Act, subsequently called the International Cooperation Administration, then renamed the Agency for International Development, or AID).

1950—Congress creates the National Science Foundation (NSF).

1950—The Land-Grant Endowment Funds Bill protects federal and private endowments from unilateral federal action to divert them from the purposes for which they were granted.

1952—Veterans' Readjustment Assistance Act (Korean G.I. Bill of Rights) is passed.

1958—National Defense Education Act (NDEA) provides college student loans, graduate fellowships and aid for the improvement in the teaching of science, mathematics and modern languages.

1960—Land-grant status for the University of Hawaii establishes a new precedent. Since there is no longer adequate federal land to donate for the creation of an endowment, the University of Hawaii is given a $6 million endowment in lieu of land scrip.

1961—Report of the U.S. Commission on Civil Rights, "Equal Protection of the Laws in Public Higher Education: 1960" recommends that federal funds be disbursed "only to such publicly controlled institutions of

higher education as do not discriminate on grounds of race, color, religion, or national origin."

1963—The Higher Education Act (HEA) of 1963 recognizes federal responsibility for aid to colleges and universities in the form of grants and loans for the construction of academic facilities.

1964—The National Defense Education Act Amendments authorize major changes to expand and strengthen the graduate fellowship program and eliminate discriminatory institutional limitation on loan-fund grants.

1965—The Higher Education Act of 1965 is passed, funding many higher education programs, including student aid.

1965—The Housing and Urban Development Act of 1965 establishes a maximum interest rate of three percent for the College Housing Loan Program to provide relief for students from the high cost of college attendance.

1966—The National Defense Education Project is passed to coordinate the federal role in international education. Later, this project is incorporated as Title VI of the Higher Education Act.

1967—The District of Columbia Post Secondary Education Reorganization Act gives land-grant status to Federal City College, now the University of the District of Columbia. This established a precedent for federal trust areas to participate in the land-grant system

1968—The Navajo Community College Act creates the first tribally controlled college.

1972—University of Guam, Northern Marianas College, the Community Colleges of American Samoa and Micronesia, and the College of the Virgin Islands secure land-grant status through the Education Amendments of 1972 (Public Law 92-318).

1978—The Tribally Controlled Community College Act stimulates the development of a variety of technical, two-year, four-year, and graduate colleges presently located on or near tribal reservations.

1979—The U.S. Department of Education is established.

1980—Congress passes the Education Amendments of 1980 (to the Higher Education Act of 1965).

1991—National Security Education Act (Boren Bill) is enacted to provide support for undergraduate study abroad and graduate work in foreign languages and area studies.

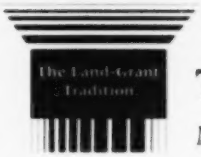
1992—President Bush signs the Higher Education Act Amendments, reauthorizing the 1965 Higher Education Act.

1993—The National and Community Service Trust Act establishes a corporation to coordinate programs through which students receive minimum wage stipends and tuition benefits in return for community service.

1993—The federal government begins "direct lending," a program that enables colleges and universities to provide loans using federal funds directly to students, thus avoiding private lenders and streamlining the process.

1993—The American Indian Higher Education Consortium (AIHEC), supported by NASULGC, launches a campaign to secure land-grant status for 29 Native American Colleges located in 12 states and serving 16,000 students.

1994—Land-grant status is conferred on 29 Native American colleges as a provision of the Elementary and Secondary Education Reauthorization Act. The bill also authorizes a $23 million endowment for them, to be built up over five years. The colleges are to receive interest payments from the endowment each year.



The 105 Land-Grant Colleges and Universities

March 1995

***Alabama**
Alabama A&M University* (Normal, AL)
Auburn University (Auburn, AL)
Tuskegee University (Tuskegee, AL)

Alaska
University of Alaska Statewide System (Fairbanks, AK)

American Samoa
Community College of American Samoa (Pago Pago, AQ)

Arizona
Navajo Community College** (Tsaile, AZ)
University of Arizona (Tucson, AZ)

Arkansas
University of Arkansas, Fayetteville (Fayetteville, AR)
University of Arkansas at Pine Bluff* (Pine Bluff, AR)

California
D-Q University** (Davis, CA)
University of California System (Oakland, CA)

Colorado
Colorado State University (Fort Collins, CO)

Connecticut
Connecticut Agricultural Experiment Station (New Haven, CT)
University of Connecticut (Storrs, CT)

Delaware
Delaware State University* (Dover, DE)
University of Delaware (Newark, DE)

District of Columbia
University of the District of Columbia (Washington, DC)

Florida
Florida A&M University* (Tallahassee, FL)
University of Florida (Gainesville, FL)

Georgia
Fort Valley State College* (Fort Valley, GA)
University of Georgia (Athens, GA)

Guam
University of Guam (Mangilao, GU)

Hawaii
University of Hawaii (Honolulu, HI)

Idaho
University of Idaho (Moscow, ID)

Illinois
University of Illinois (Urbana, IL)

Indiana
Purdue University (West Lafayette, IN)

Iowa
Iowa State University (Ames, IA)

Kansas
Haskell Indian Nations University** (Lawrence, KS)
Kansas State University (Manhattan, KS)

Kentucky
Kentucky State University* (Frankfort, KY)
University of Kentucky (Lexington, KY)

Louisiana
Louisiana State University System (Baton Rouge, LA)
Southern University System* (Baton Rouge, LA)

Maine
University of Maine (Orono, ME)

Maryland
University of Maryland at College Park (College Park, MD)
University of Maryland Eastern Shore* (Princess Anne, MD)

Massachusetts
Massachusetts Institute of Technology (Cambridge, MA)
University of Massachusetts (Amherst, MA)

Michigan
Bay Mills Community College** (Brimley, MI)
Michigan State University (East Lansing, MI)

Micronesia
Community College of Micronesia (Kolonia, Pohnpei, FM)

Minnesota
Fond Du Lac Community College** (Cloquet, MN)
Leech Lake Tribal College** (Cass Lake, MN)
University of Minnesota (Minneapolis, MN)

Mississippi
Alcorn State University* (Lorman, MS)
Mississippi State University (Mississippi State, MS)

Missouri
Lincoln University* (Jefferson City, MO)
University of Missouri System (Columbia, MO)

Montana
Blackfeet Community College** (Browning, MT)
Dull Knife Community College** (Lame Deer, MT)
Fort Belknap Community College** (Harlem, MT)
Fort Peck Community College** (Poplar, MT)

* indicates 1890 land-grant institution
** indicates 1994 tribal college land-grant institution

Little Big Horn College** (Crow Agency, MT)
Montana State University (Bozeman, MT)
Salish Kootenai College** (Pablo, MT)
Stone Child College** (Box Elder, MT)

Nebraska
Nebraska Indian Community College** (Winnebago, NE)
University of Nebraska System (Lincoln, NE)

Nevada
University of Nevada, Reno (Reno, NV)

New Hampshire
University of New Hampshire (Durham, NH)

New Jersey
Rutgers, The State University of New Jersey (New Brunswick, NJ)

New Mexico
Crownpoint Institute of Technology** (Crownpoint, NM)
Institute of American Indian Arts** (Santa Fe, NM)
New Mexico State University (Las Cruces, NM)
Southwest Indian Polytechnic Institute** (Albuquerque, NM)

New York
Cornell University (Ithaca, NY)

North Carolina
North Carolina A&T State University* (Greensboro, NC)
North Carolina State University (Raleigh, NC)

North Dakota
Fort Berthold Community College** (New Town, ND)
Little Hoop Community College** (Fort Totten, ND)
North Dakota State University (Fargo, ND)
Standing Rock College** (Fort Yates, ND)
Turtle Mountain Community College** (Belcourt, ND)
United Tribes Technical College** (Bismark, ND)

Northern Marianas
Northern Marianas College (Saipan, CM)

Ohio
The Ohio State University (Columbus, OH)

Oklahoma
Langston University* (Langston, OK)
Oklahoma State University (Stillwater, OK)

Oregon
Oregon State University (Corvallis, OR)

Pennsylvania
Pennsylvania State University (University Park, PA)

Puerto Rico
University of Puerto Rico (San Juan, PR)

Rhode Island
University of Rhode Island (Kingston, RI)

South Carolina
Clemson University (Clemson, SC)
South Carolina State University* (Orangeburg, SC)

South Dakota
Cheyenne River Community College** (Eagle Butte, SD)
Oglala Lakota College** (Kyle, SD)
Sinte Gleska University** (Rosebud, SD)
Sisseton Wahpeton Community College** (Sisseton, SD)
South Dakota State University (Brookings, SD)

Tennessee
Tennessee State University* (Nashville, TN)
University of Tennessee (Knoxville, TN)

Texas
Prairie View A&M University* (Prairie View, TX)
Texas A&M University (College Station, TX)

Utah
Utah State University (Logan, UT)

Vermont
University of Vermont (Burlington, VT)

Virgin Islands
University of the Virgin Islands (St. Thomas, VI)

Virginia
Virginia Polytechnic Institute & State University (Blacksburg, VA)
Virginia State University* (Petersburg, VA)

Washington
Northwest Indian College** (Bellingham, WA)
Washington State University (Pullman, WA)

West Virginia
West Virginia University (Morgantown, WV)

Wisconsin
College of the Menominee Nation** (Keshena, WI)
Lac Courte Oreilles Ojibwa Community College** (Hayward, WI)
University of Wisconsin-Madison (Madison, WI)

Wyoming
University of Wyoming (Laramie, WY)

Please Note: of these 105 Land-grant institutions, all but three (the Community College of American Samoa, the Community College of Micronesia, and Northern Marianas College) are members of the National Association of State Universities and Land-Grant Colleges. The 29 tribal colleges of 1994 are represented as a system by the single membership of the American Indian Higher Education Consortium.

Text of Federal Legislation Relating to Land-Grant Colleges and Universities

ACT OF JULY 2, 1862 (FIRST MORRILL ACT)

[Providing for the endowment, support and maintenance of colleges of agriculture and mechanic arts]

[An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts]

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860; *Provided,* That no mineral lands shall be selected or purchased under the provisions of this act.

Section 2

And be it further enacted, That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and wherever there are public lands in a State, subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands, within the limits of such State; and the Secretary of the Interior is hereby directed to issue to each of the States, in which there is not the quantity of public lands subject to sale at private entry, at one dollar and twenty-five cents per acre, to which said State may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States, and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other purpose whatsoever: *Provided,* That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any territory of the United States; but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry, at one dollar and twenty-five cents, or less, an acre: *and provided further,* That not more than one million acres shall be located by such assignees in any one of the States: *And provided further,* That no such location shall be made before one year from the passage of this act.

Section 3

And be it further enacted, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied, without any diminution whatever, to the purposes hereinafter mentioned

Section 4 (as amended April 13, 1926, 44 Stat. L. 247)

That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned and from the sales of land scrip hereinbefore provided for shall be invested in bonds of the United States or of the States or some other safe bonds; or the same may be invested by the States having no State bonds in any manner after the legislatures of such States shall have assented thereto and engaged that such funds shall yield a fair and reasonable rate of return, to be fixed by the State legislatures, and that the principal thereof shall forever remain unimpaired: *Provided,* That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

Section 5

And be it further enacted, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding 10 per centum upon the amount received by any State under the provisions of this act, may he expended for the purchase of lands for sites or

experimental farms, whenever authorized by the respective legislatures of said States;

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings;

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as prescribed in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid;

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their costs and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior;

Fifth. When lands shall be selected from those which have been raised to double the minimum price in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished;

ixth. No State, while in a condition of rebellion or insurrection against the Government of the United States, shall be entitled to the benefit of this act;

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President.

Section 6

And be it further enacted, That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, 1863.

Section 7

And be it further enacted, That land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: *Provided,* That maximum compensation shall not be thereby increased.

Section 8

And be it further enacted, That the governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of the amount received for the same, and what appropriation has been made of the proceeds.

Approved July 2, 1862 (12 Stat. 503)

Act of 1866 Amending First Morrill Act

[An act to amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the time in which the several States may comply with the provisions of the act of July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," is hereby extended so that the acceptance of the benefits of the said act may be expressed within three years from the passage of this act, and the colleges required by the said act may be provided within five years from the date of the filing of such acceptance with the Commissioner of the General Land Office: *Provided,* That when any Territory shall become a State and be admitted into the Union such new States shall be entitled to the benefits of the said act of July second, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this act: *Provided further,* That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years within which to provide at least one college as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired.

Approved, July 23,1866. (14 Stat. 208.)

Rulings and Opinions on Act of July 2, 1862

Accounting and reports—"Accounts should be kept by the proper officers" of all the States having grants "showing all the facts relating to the sale and leasing of lands granted for agricultural colleges, and the receipt, investment, and disposition of the proceeds arising from such sales and leases; and such officers should, when called on to do so, timely report such facts to the Secretary of the Interior or permit an ascertainment of such facts through inspection and examination of their records by some officer of the Government or other person designated by the Secretary of the Interior for that purpose."

The representatives of the Office of Education or some other officer designated by the Secretary of the Interior should, through reports from the officers of each of the States, or otherwise, from time to time as the occasion may require, ascertain all facts and conditions tending to show the manner in which the funds arising from the lands granted for agricultural colleges are being handled, invested, and disposed of; or furnish a full statement thereof to the Secretary of the Interior. —*Rulings approved by the Secretary of the Interior, October 11, 1923.*

In order that the Department of the Interior through the Commissioner of Education may be able to ascertain whether or not the States are complying with the provisions of the act of 1862, the institutions receiving the benefit of that act are required to submit a statement of the disbursements of the annual income received by them under said act. —*Ruling of Secretary of the Interior, July 11, 1930.*

Division of fund—"A State may by appropriate legislaAtion divide the original" 1862 land-grant "fund into two parts and provide that the interest of each part shall be available to a particular college and vest in such college, as an agency of the State, the duty of investing its particular part of the funds in bonds of the United States or of the State or some other safe bonds, the determination of the safety of which is to rest with the college." —*Ruling of Secretary of the Interior, September 15, 1935.*

Income and its use—"The income" from the 1862 land-grant endowment "is not a fiscal year or limited fund. It must remain forever at the disposal of the institution entitled to the benefit of the fund. Nor may it ever be covered into the general State funds or used for general State purposes. There can be no default to the State by the institution."

"Proceeds from rentals, sale of timber rights, water rights, and other privileges, and interest on deferred payments of purchase money partake of the same character as the income from invested funds, and must be devoted, without diminution, to the purposes" of the act.

"The only restriction placed by the Act of Congress of July 2, 1862, upon the expenditures of the income derived from the sale of public lands granted for the endowment of colleges of agriculture and the mechanic arts and the investment of the purchase money is that no part of such income may be expended for the purchase, erection, preservation, or repair of any building or buildings, nor may this income be used for the purchase of land." —*Ruling of Secretary of the Interior, May 23, 1916.*

Instruction for women students—Instruction in the industries for women is included in instruction in agriculture and mechanic arts. —*Ruling of Secretary of the Interior, May 23, 1916.*

Military tactics—An agricultural college which offers a proper, substantial course in military tactics complies sufficiently with the requirements as to military tactics in the act of July 2, 1862, and the other acts, even though the students at that institution are not compelled to take that course. —*Opinion of Attorney General, June 30, 1930.*

Default of act of 1862—The act of 1890 (26 Stat. 417) with the amendment of 1907 (34 Stat. 1281) is supplementary to the act of 1862; therefore any default of the provisions of the act of 1862 renders the State liable for noncertification for the annual installments of the funds appropriated by the acts of 1890 and 1907. —*Ruling of Secretary of the Interior, May 23, 1916.*

ACT OF AUGUST 30, 1890 (SECOND MORRILL ACT)

[Providing for the further endowment and support of colleges of agriculture and mechanic arts]

[An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sale of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with un act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousands dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year and the annual amount of be paid thereafter to each State and Territory shall be twenty-five thousands dollars to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction: *Provided,* That no money shall be paid out under this act to all State and Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided,* That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such a State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the

foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students

Section 2

That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurer shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided,* That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

Section 3

That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their costs and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

Section 4

That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

Section 5

That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reasons therefor.

Section 6

Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.
Approved, August 30, 1890. (26 Stat. 417.)

Nelson Amendment of March 4, 1907

[Providing for the more complete endowment and maintenance of land-grant colleges]

[Extract from an act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sums named in said act for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be fifty thousand dollars, to be applied only for the purposes of the agricultural colleges as defined and limited in the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the act of Congress approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the act of Congress approved July second, eighteen hundred and sixty-two," and the expenditure of the said money shall be governed in all respects by the provisions of the said act of Congress approved July second, eighteen hundred and sixty-two, and the said act of Congress approved August thirtieth, eighteen hundred and ninety: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Approved, March 4, 1907. (34 Stat. L. 1281.)

Digest of Rulings and Opinions on Acts of August 30, 1890, and March 4, 1907

Time limit on expenditure of funds—"The moneys appropriated by the act of August 30, 1890" are "in the nature of an annuity to be used from year to year" and cannot be "accumulated or converted into an interest-bearing fund." —*Decision of Attorney General, June 20, 1899.*

The Department will insist on the expenditure of substantially the entire amount appropriated by the act of August 30, 1890, and the boards of control of agricultural and mechanic arts colleges are requested to make provision for such expenditures. It is understood of course that contracts may be entered into for educational material which, for good reasons, may not be ready and paid for until the following year. In such cases it is sufficient to explain by a note in the annual report that the balance is held for the purpose of liquidating bills already incurred, and stating the nature of the outstanding contracts. —*Ruling of the Secretary of the Interior, December 7, 1900.*

Accrued interest on appropriations—"Interest accruing upon funds" under the acts of August 30, 1890, and March 4, 1907, "is interest accruing to the United States and should be covered into the United States Treasury as miscellaneous receipts." The funds in question should be deposited by the treasurers of the institutions "in banks as custodians for funds of the United States and any interest accruing thereon should be for disposition as herein indicated." —*Opinion of Comptroller General of United States, January 16, 1933.*

Accrued interest must be accounted for and covered into the United States Treasury at the close, June 30, of each fiscal year. The funds must be kept in a deposit account separate from all other funds. The person duly designated to receive the funds is responsible for the accounting of such interest as may be credited to the deposit account by the bank in which the deposit account is maintained. Checks covering interest accrued for each fiscal year should be mailed with the annual reports and will be forwarded to the Treasurer of the United States as miscellaneous receipts. —*Ruling of Secretary of the Interior, June 5, 1933.*

In the light of decisions of the Comptroller General addressed to the Secretary of Agriculture dated January 16, 1933, and March 27, 1933, the Commissioner of Education has ruled as follows with respect to the Morrill-Nelson-Bankhead-Jones funds:

It will not be necessary, therefore, to require that separate bank deposit accounts be maintained for Morrill-Nelson and Bankhead-Jones funds, provided interest is not paid on funds deposited in bank for land-grant college or university. Moreover, if interest is paid on funds on deposit in bank for the college or university, it will be necessary to require that separate bank accounts for Morrill-Nelson and Bankhead-Jones funds be maintained as heretofore. —*Letter of the U.S. Commissioner of Education to Presidents and Treasurers of Land-Grant Colleges and Universities, October 11, 1941.*

Expenditures of funds for different purposes—No part of these funds may be "expended for grounds for building sites" or "for lands for use in the practical training of students in agriculture." —*Opinion of Attorney General, March 1891.*

Purchases from these funds of "apparatus, machinery, textbooks, reference books, stock and material used in instruction, or for purposes of illustration in connection with any of the branches enumerated" in the act of August 30, 1890, are permissible. —*Ruling of Secretary of the Interior, August 3, 1899.*

In the case of the purchase of "machinery (such as boilers, engines, pumps, etc.) and farm stock, which are made to serve for both instructional and other purposes, the Federal funds may be charged with only an equitable portion of the cost of said machinery and stock."

"Expenditures for permanent improvements to buildings, grounds and farms, such as clearing, draining, and fencing lands," are not allowable from these funds. —*Rulings of Secretary of the Interior, November 2, 1911.*

Use of funds for salaries—The "salary of the treasurer" of the college is not "a legitimate charge against the funds" and cannot properly be paid from them. —*Opinion of Attorney General, March 7, 1894.*

"The salaries of purely administrative officers, such as presidents, treasurers, secretaries, bookkeepers, janitors, watchmen, etc., cannot be charged" to these funds, "nor the salaries of other administrative officers, like superintendents, foremen, and matrons, and the wages of unskilled laborers and assistants in shops, laboratories, and fields."

When an administrative officer also gives instruction in any of the branches of study mentioned in the act of August 30, 1890, or when an instructor gives such instruction and also denotes part of his time to giving instruction in branches of study not mentioned in the said act, only a part of such person's salary proportionate to the time devoted to giving instruction in the branches of the study mentioned in said act can be charged to

these funds. In the division of the time between instructional and other services, 1 hour of instruction shall be regarded as the equivalent of 2 hours of administrative, supervisory, or experiment station staff.

The funds cannot be used for "salaries of instructors in philosophy, psychology, ethics, logic, history, civil government, military science and tactics, and in ancient and modern languages (except English.)" —*Rulings of Secretary of the Interior, August 3, 1899, November 2, 1911, and May 23, 1916.*

The funds cannot be used "for the salaries of instructors, improperly trained or incompetent for the positions they are supposed to fill; nor may they be used for salaries or expenses of the experiment station staff; nor for instructors employed in research work or in collecting, classifying and arranging specimens, collections or exhibits." —*Ruling of Secretary of the Interior, May 23, 1916.*

Subjects of instruction allowed—In order that greater uniformity in the reports of the treasurers may be obtained in the future, the following classification of subjects that may be included under the several schedules has been prepared, such classification to be adhered to by the treasurers of the various institutions in the preparation of their annual reports:

A. *Instruction in agriculture*—Agriculture, horticulture, forestry, agronomy, animal husbandry, dairying, veterinary medicine, poultry husbandry, and agriculture.

B. *Instruction in mechanic arts*—Mechanical engineering, civil engineering, electrical engineering, irrigation engineering, mining engineering, marine engineering, railway engineering, experimental engineering, textile industry, architecture, machine design, mechanical drawing, ceramics, stenography, typewriting, telegraphy, printing, and shopwork.

C. *Instruction in English language*—English language, English literature, composition, rhetoric, and oratory.

D. *Instruction in mathematical sciences*—Mathematics, bookkeeping, and astronomy.

E. *Instruction in natural and physical sciences*—Chemistry, physics, biology, botany, zoology, geology, mineralogy, metallurgy, entomology, physiology, bacteriology, pharmacy, physical geography, and meteorology.

F. *Instruction in economic sciences*—Political economy, home economics, commercial geography, and sociology.

G. *Special preparation of teachers*—History of industrial education (with special reference to agriculture, mechanic arts, and home economics); methods of teaching agriculture, mechanic arts, and home economics; special instructions to persons teaching agriculture, mechanic arts, and home economics. —*Rulings of Secretary of the Interior, December 7, 1900, and May 23, 1916.*

Expenditures from the funds provided by the act of March 4, 1907, are not authorized "for general courses in pedagogy, psychology, history of education, and methods of teaching." —*Rulings of Secretary of the Interior, November 2, 1911, and May 23, 1916.*

The funds cannot be "expended for instruction in the elementary subjects, or their equivalent, included in the first 6 years of the course of study of the public schools of the States in which each institution is located, excepting for students 14 years or over who are devoting at least one-half of their time in industrial subjects as preparatory work in the mechanical trades, industries for women, or agriculture."

All or part of the funds provided by the act of March 4,1907, may be used "for providing courses for the special preparation of instructors for teaching the elements of agriculture and mechanic arts." It is held that this language authorizes expenditures for instruction in the history of agriculture and industrial education, in methods of teaching agriculture, mechanic arts, and home economics, and also for special aid and supervision given to teachers actively engaged in teaching agriculture, mechanic arts, and home economics in public schools. —*Ruling of Secretary of the Interior, May 23, 1916.*

The board of control of a system of higher education in a State has not the authority to change the designation of the land-grant college from one institution under its jurisdiction to another.

It is therefore the opinion of this Office that the Administrator may not accept the change in designation of the Negro land-grant college by the Board of Regents of the University of Georgia, but must insist that the Federal grant continue to be available to the Georgia State College until such time as the State legislature may by change of designation redirect the money to the use of another institution. —*Opinion of General Counsel, Federal Security Agency, January 3, 1949.*

All Colleges Designated as "Land-Grant" Are Operated Under the Provisions of the Morrill Act of 1862

It is the opinion of this Office that the Negro institutions which receive a part of the Federal funds provided under the Morrill Acts and supplementary legislation (12 Stat. 503; 26 Stat. 417; 34 Stat. 1281; and 49 Stat. 439) are governed by the same legal provisions which govern other land-grant colleges, including the requirement of the Act of July 2, 1862, that military tactics be taught therein. The fact of segregation itself does not affect the designated institution's rights and obligations, and Morrill Act funds are specifically available only to institutions established "in accordance with" the conditions of the 1862 enactment. The legislative history and the recorded interpretations of the Acts also enforce the conclusion that there is no legal basis for a failure to require a substantial course in military tactics to be offered by Negro institutions participating in grants under all or any of the four Acts of Congress noted above. —*Opinion of the General Counsel, Federal Security Agency, July 13, 1949*

Land-Grant Colleges Constituted Depositories of Public Documents by Act of March 1, 1907

[Clause from an amendment to an act providing for the public printing, binding, and distribution of public documents]

All land-grant colleges shall be constituted as depositories for public documents, subject to the provisions and limitations of the depository laws. —(34 Stat., 1014)

Free Mailing Privilege for Annual Reports of Land-Grant Colleges

[Excerpt from Postal Laws and Regulations of the United States (1924) relating to the free transmission of annual reports of agricultural and mechanic arts colleges]

Postmasters at offices where colleges are established under the provisions of the act of July 2, 1862, shall receive from the officers thereof the reports referred to addressed, one copy each, to such other colleges and to the Secretary of the Interior and the Secretary of Agriculture, and affix to each a penalty label or official envelop of the post office, and forward the same free.

HATCH ACT OF 1887, AS AMENDED

The Hatch Act of 1887 authorized federal-grant funds for direct payment to each state that would establish an agricultural experiment station in connection with the land-grant college established under the provisions of the Morrill Act of July 2, 1862, and of all supplementary acts.

In 1955 the Hatch Act of 1887 was amended to bring about consolidation of the several federal laws relating to the appropriation of federal-grant funds for the support of agricultural experiment stations in the states, Alaska, Hawaii, and Puerto Rico. With this amendment the Adams Act of 1906 and the Purnell Act of 1925, as well as the Bankhead-Jones Act of 1935 and title I, section 9, of the amendment of 1945 to the Bankhead-Jones Act, as the latter two laws applied to agricultural experiment stations, were repealed.

[An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto]

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, It is the policy of Congress to continue the agricultural research at State agricultural experiment stations which has been encouraged and supported by the Hatch Act of 1887, the Adams Act of 1906, the Purnell Act of 1925, the Bankhead-Jones Act of 1935, and title I, section 9, of that Act as added by the Act of August 14, 1946, and Acts amendatory and supplementary thereto, and to promote the efficiency of such research by a codification and simplification of such laws. As used in this Act, the terms "State" or "States" are defined to include the several States, including the District of Columbia, Alaska, Hawaii, Puerto Rico, Guam and the Virgin Islands. As used in this Act, the term "State agricultural experiment station" means a department which shall have been established, under direction of the college or university or agricultural departments of the college or university in each State in accordance with an Act approved July 2, 1862 (12 Stat. 503), entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic acts"; or such other substantially equivalent arrangements as any State shall determine.

Section 2

It is further the policy of the Congress to promote the efficient production, marketing, distribution, and utilization of products of the farm as essential to the health and welfare of our peoples and to promote a sound and prosperous agriculture and rural life as indispensable to the maintenance of maximum employment and national prosperity and security. It is also the intent of Congress to assure agriculture a position in research equal to that of industry, which will aid in maintaining an equitable balance between agriculture and other segments of our economy. It shall be the object and duty of the State

agricultural experiment stations through expenditure of the appropriations hereinafter authorized to conduct original and other researches, investigations, and experiments bearing directly on and contributing to the establishment and maintenance of a permanent and effective agricultural industry of the United States, including researches basic to the problems of agriculture in its broadest aspects, and such investigations as have for their purpose the development and improvement of the rural home and rural life and the maximum contribution by agriculture to the welfare of the consumer, as may be deemed advisable, having due regard to the varying conditions and needs of the respective States.

Section 3

(a) There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time determine to be necessary.

(b)(1) Out of such sums each State shall be entitled to receive annually a sum of money equal to and subject to the same requirement as to use for marketing research projects as the sums received from Federal appropriations for State agricultural experiment stations for the fiscal year 1955, except as the "Regional research fund, Office of Experiment Stations" shall continue to be available for the support of cooperative regional projects as defined in subsection 3(c)(3), and the said fund shall be designated "Regional Research, State agricultural experiment stations", and the Secretary of Agriculture shall be entitled to receive annually for the administration of this Act, a sum not less than that available for this purpose for the fiscal year ending June 30, 1955: *Provided*, That if the appropriations hereunder for distribution in any fiscal year are less than those for the fiscal year 1955 the allotment to each State and the amounts for Federal administration and the regional research fund shall be reduced in proportion to the amount of such reduction.

(2) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.

(c) Any sums made available by the Congress in addition to those provided for in subsection (b) hereof for State agricultural experiment station work shall be distributed as follows:

1. Twenty per centum shall be allotted equally to each State,

2. Not less than 52 per centum of such sums shall be allotted to each State, as follows: One-half in an amount which bears the same ratio to the total amount to be allotted as the rural population of the State bears to the total rural population of all the States as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and one-half in an amount that bears the same ratio to the total amount to be allotted as the farm population of the State bears to the total farm population of all the States as determined by the last preceding decennial census current at the time such additional sum is first appropriated;

3. Not more than 25 per centum shall be allotted to the States for cooperative research in which two or more State agricultural experiment stations are cooperating to solve problems that concern the agriculture of more than one State. The funds available for such purposes, together with funds available pursuant to subsection (b) hereof for like purposes shall be designated as the "Regional research fund, State agricultural experiment stations", and shall be used only for such cooperative regional projects as are recommended by a committee of nine persons elected by and representing the directors of the State agricultural experiment stations, and approved by the Secretary of Agriculture. The necessary travel expenses of the committee of nine persons in performance of their duties may be paid from the fund established by this paragraph.

4. (Repealed)

5. Three per centum shall be available to the Secretary of Agriculture for administration of this Act. These administrative funds may be used for transportation of scientists who are not officers or employees of the United States to research meetings convened for the purposes of assessing research opportunities or research planning.

(d) Of any amount in excess of $90,000 available under this Act for allotment to any State, exclusive of the regional research fund, State agricultural experiment stations, no allotment and no payment thereof shall be made in excess of the amount which the State makes available out of its own funds for research and for the establishment and maintenance of facilities necessary for the prosecution of such research: ***And provided further,*** That if any State fails to make available for such research purposes for any fiscal year a sum equal to the amount in excess of $90,000 to which it may be entitled for such year, the remainder of such amount shall be withheld by the Secretary of Agriculture and reapportioned among the States.

(e) "Administration" as used in this section shall include participation in planning and coordinating cooperative regional research as defined in subsection 3(c)3.

(f) In making payments to States, the Secretary of Agriculture is authorized to adjust any such payment to the nearest dollar.

(g) If in any year the amount made available by a State from its own funds (including and revenue-sharing funds) to a State agricultural experiment station is reduced because of an increase in an allotment made available under this Act, the allotment of the State agricultural experiment stations from the appropriations in the next succeeding fiscal year shall be reduced in an

equivalent amount. The Secretary shall reapportion the amount of such reduction to other States for use by their agricultural experiment stations.

Section 4

Moneys appropriated pursuant to this Act shall also be available, in addition to meeting expenses for research and investigations conducted under authority of section 2, for printing and disseminating the results of such research, retirement of employees subject to the provisions of an Act approved March 4, 1940 (54 Stat. 39), administrative planning and direction and for the purchase and rental of land and the construction, acquisition, alteration, or repair of buildings necessary for conducting research. The State agricultural experiment stations are authorized to plan and conduct any research authorized under section 2 of this Act in cooperation with each other and such other agencies and individuals as may contribute to the solution of the agricultural problems involved, and moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

Section 5

Sums available for allotment to the States under the terms of this Act, excluding the regional research fund authorized by subsection 3(c)3, shall be paid to each State agricultural experiment station in equal quarterly payments beginning on the first day of October of each fiscal year upon vouchers approved by the Secretary of Agriculture. Each such station authorized to receive allotted funds shall have a chief administrative officer known as a director, and a treasurer or other officer appointed by the governing board of the station. Such treasurer or other officer shall receive and account for all funds allotted to the State under the provisions of this Act and shall report, with the approval of the director to the Secretary of Agriculture on or before the first day of December of each year a detailed statement of the amount received under provisions of this Act during the preceding fiscal year, and of its disbursement on schedules prescribed by the Secretary of Agriculture. If any portion of the allotted moneys received by the authorized receiving officer of any State agricultural experiment station shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to such State.

Section 6

Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of the researches and experiments, including lists of publications available for distribution by the experiment stations, shall be transmitted in the mails of the United States under penalty indicia: ***Provided, however,*** That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe. Such publications may be mailed from the principal place of business of the station or from an established subunit of said station.

Section 7

The Secretary of Agriculture is hereby charged with the responsibility for the proper administration of this Act, and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out its provisions. It shall be the duty of the Secretary to furnish such advise and assistance as will best promote the purposes of this Act, including participation in coordination of research initiated under this Act by the State agricultural experiment station, from time to time to indicate such lines of inquiry as to him seem most important, and to encourage and assist in the establishment and maintenance of cooperation by and between the several State agricultural experiment stations, and between the stations and the United States Department of Agriculture.

On or before the first day of October in each year after the passage of this Act, the Secretary of Agriculture shall ascertain as to each State whether it is entitled to receive its share of the annual appropriations for agricultural experiment stations under this Act and the amount which thereupon each is entitled, respectively, to receive.

Whenever it shall appear to the Secretary of Agriculture from the annual statement of receipts and expenditures of funds by any State agricultural experiment station that any portion of the preceding annual appropriation allotted to that station under this Act remains unexpended, such amount shall be deducted from the next succeeding annual allotment to the State concerned.

If the Secretary of Agriculture shall withhold from any State any portion of the appropriations available for allotment, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress shall not direct such sum to be paid, it shall be carried to surplus.

Section 8

Nothing in this Act shall be construed to impair or modify the legal relation existing between any of the colleges or universities under whose direction State agricultural experiment stations have been established and the government of the States in which they are respectively located. States having agricultural experiment stations separate from such colleges or universities and established by law, shall be authorized to apply such benefits to research at stations so established by such States: ***Provided,*** That in any State in which more than one such college, university, or agricultural experiment station has been established the appropriations made pursuant to this Act for such State shall be divided between such institutions as the legislature of such State shall direct.

Section 9

The Congress may at any time, amend, suspend, or repeal any or all provisions of this Act.

SMITH-LEVER ACT OF 1914, AS AMENDED

Section 1

In order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture, home economics, and rural energy, and to encourage the application of the same, there may be continued or inaugurated in connection with the college or colleges in each State, Territory, or possession, now receiving, or which may hereafter receive, the benefits of the Act of Congress approved July second, eighteen hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and of the Act of Congress approved August thirtieth, eighteen hundred and ninety, agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture: ***Provided,*** That in any State, Territory, or possession in which two or more such colleges have been or hereafter may be established, the appropriations hereinafter made to such State, Territory, or possession shall be administered by such college or colleges as the legislature of such State, Territory, or possession may direct.

Section 2

Cooperative agricultural extension work shall consist of the development of practical applications of research knowledge and giving of instruction and practical demonstration of existing or improved practices or technologies in agriculture, home economics, and rural energy, and subject relating thereto to persons not attending or resident in said colleges in the several communities, and imparting information on said subjects through demonstrations, publications, and otherwise and for the necessary printing and distribution of information in connection with the foregoing; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges or Territory or possession receiving the benefits of this Act.

Section 3

(a) There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.

(b)(1) Out of such sums, each State and the Federal Extension Service shall be entitled to receive annually a sum of money equal to the sums available from the Federal cooperative extension funds for the fiscal year 1962, and subject to the same requirements as to furnishing of equivalent sums by the State, except that amounts heretofore made available to the Secretary for allotment on the basis of special needs shall continue available for use on the same basis.

(b)(2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands, Guam, and the Northern Mariana Islands, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.

(c) Any sums made available by the Congress for further development of cooperative extension work in addition to those referred to in subsection (b) hereof shall be distributed as follows:

1. Four per centum of the sum so appropriated for each fiscal year shall be allotted to the Federal Extension Service for administrative, technical, and other services, and for coordinating the extension work of the department and the several States, Territories, and possessions.

2. Of the remainder so appropriated for each fiscal year 20 per centum shall be paid to the several States in equal proportions, 40 per centum shall be paid to the several States in the proportion that the rural population of each bears to the total rural population of the several States as determined by the census, and the balance shall be paid to the several States in the proportion that the farm population of each bears to the total farm population of the several States as determined by the census: ***Provided,*** That payments out of the additional appropriations for further development of extension work authorized herein may be made subject to the making available of such sums of public funds by the States from non-Federal funds for the maintenance of cooperative agricultural extension work provided for in the Act, as may be provided by the Congress at the time such additional appropriations are made: ***Provided further,*** That any appropriation made hereunder shall be allotted in the first and succeeding years on the basis of the decennial census current at the time such appropriation is made, and as to any increase, on the basis of decennial census current at the time such increase is first appropriated.

(d) The Federal Extension Service shall receive such additional amounts as congress shall determine for administration, technical, and other services and for coordinating the extension work of the Department and the several States, Territories, and possessions.

(e) Insofar as the provisions of subsections (b) and (c) of this section, which require or permit Congress to require matching of Federal funds, apply to the Virgin Islands of the United States and Guam, such provisions shall be deemed to have been satisfied, for the fiscal years ending September 30, 1978, and September 30, 1979, only, if the amount budgeted and available for expenditure by the Virgin Islands of the United States and Guam in such years equal the amounts budgeted and available for expenditure by the Virgin Islands of the United States and Guam in the fiscal year ending September 30, 1977.

(f)(1) The Secretary of Agriculture may conduct educational, instructional, demonstration, and publication distribution programs through the Federal Extension Service and enter into cooperative agreements with private nonprofit and profit organizations and individuals to share the cost of such programs through contributions from private sources as provided in this subsection.

(f)(2) The Secretary may receive contributions under this subsection from private sources for the purposes described in paragraph (1) and provide matching funds in an amount not greater than 50 percent of such contributions.

Section 4

On or about the first day of October in each year after the passage of this Act, the Secretary of Agriculture shall ascertain as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under this Act and the amount which it is entitled to receive. Before the funds herein provided shall become available to any college for any fiscal year, plans for the work to be carried on under this Act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. The Secretary shall ensure that each college seeking to receive funds under this Act has in place appropriate guidelines, as determined by the Secretary, to minimize actual or potential conflicts of interest among employees of such colleges whose salaries are funded in whole or in part with such funds. Such sums shall be paid in equal quarterly payments in or about October, January, April, and July of each year to the Treasurer or other officer of the State duly authorized by the laws of the State to receive the same, and such officer shall be required to report to the Secretary of Agriculture on or about the first day of April of each year, a detailed statement of the amount so received during the previous fiscal year and its disbursement, on forms prescribed by the Secretary of Agriculture.

Section 5

If any portion of the moneys received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as provided in this Act, shall by any action or contingency be diminished or lost or be misapplied, it shall be replace by said State, and until so replaced no subsequent appropriation shall be apportioned or paid to said State. No portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in this Act. It shall be the duty of said colleges, annually, on or about the first day of January, to make to the Governor of the State in which it is located a full and detailed report of its operations in extension work as defined in this Act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture.

Section 6

If the Secretary of Agriculture finds that a State is not entitled to receive its share of the annual appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of the State from which funds have been withheld in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

Section 7

Repealed. (Dealt with an annual report to Congress.)

Section 8

The Congress finds that there exists special circumstances in certain areas which cause such areas to be at a disadvantage insofar as agricultural development is concerned, which circumstances include the following:

(1) There is concentration of farm families on farms either too small or too unproductive or both;

(2) such farm operators because of limited productivity are unable to make adjustments and investments required to establish profitable operations;

(3) the productive capacity of the existing farm unit does not permit profitable employment of available labor;

(4) because of limited resources, many of these farm families are not able to make full use of current extensi programs designed for families operating economic ur ts nor are extension facilities adequate to provide the assistance needed to produce desirable results.

(b) In order to further the purposes of section 2 in such areas and to encourage complementary development essential to the welfare of such areas, there are hereby authorized to be appropriated such sums as the Congress from time to time shall determine to be necessary for payments to the States on the basis of special needs in such areas as determined by the Secretary of Agriculture.

(c) In determining that the area has a special need, the Secretary shall find that it has a substantial number of disadvantaged farms or farm families for one or more of the reasons heretofore enumerated. The Secretary shall make provisions for the assistance to be extended to include one or more of the following:

(1) Intensive on-the-farm educational assistance to the farm family in appraising and resolving its problems;

(2) assistance and counseling to local groups in appraising resources for capability of improvement in agriculture or introduction of industry designed to supplement farm income;

(3) cooperation with other agencies and groups in furnishing all possible information as to existing employment opportunities, particularly to farm families having underemployed workers; and

(4) in cases where the farm family, after analysis of its opportunities and existing resources, finds it advisable to

seek a new farming venture, the providing of information, advice, and counsel in connection with making such change.

(d) No more than 10 per centum of the sums available under this section shall be allotted to any one State. The Secretary shall use project proposals and plans of work submitted by the State Extension directors as a basis for determining the allocation of funds appropriated pursuant to this section.

(e) Sums appropriated pursuant to this section shall be in addition to, and not in substitution for, appropriations otherwise available under this Act. The amounts authorized to be appropriated pursuant to this section shall not exceed a sum in any year equal to 10 per centum of sums otherwise appropriated pursuant to this Act.

Section 9

The Secretary of Agriculture is authorized to make such rules and regulations as may be necessary for carrying out the provisions of this Act.

Section 10

1 The term "State" means the States of the Union, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.

(Code reference is 7 U.S.C. 341 et seq.)

1 P.L. 96-374, Section 1361(c) states: Any provision of any Act of Congress relating to the operation or provision of assistance to a land-grant college in American Samoa and in Micronesia in the same manner and to the same extent.

IMPROVING AMERICA'S SCHOOL ACT OF 1994

Title V Miscellaneous Provisions

PART C—1994 INSTITUTIONS

SEC. 531. Short Title.

This part may be cited as the "Equity in Educational Land-Grant Status Act of 1994."

[An act conferring Land-Grant status on 29 tribal colleges.]

SEC. 532. Definition.

As used in this part, the term "1994 Institutions" means any one of the following colleges: (1) Bay Mills Community College (2) Blackfeet Community College. (3) Cheyenne River Community College. (4) D-Q University (5) Dullknife Memorial College. (6) Fond Du Lac Community College. (7) Fort Belknap Community College (8) Fort Berthold Community College (9) Fort Peck Community College (10) LacCourte Orielles Ojibwa Community College (11) Little Big Horn Community College. (12) Little Hoop Community College. (13) Nebraska Indian Community College (14) Northwest Indian College. (15) Oglala Lakota College. (16) Salish Kootenai College. (17) Sinte Gleska University. (18) Sisseton Wahpeton Community College. (19) Standing Rock College. (20) Stonechild Community College. (21) Turtle Mountain Community College (22) Navajo Community College. (23) United Tribes Technical College (24) Southwest Indian Polytechnic Institute. (25) Institute of American Indian and Alaska Native Culture and Arts Development. (26) Crownpoint Institute of Technology. (27) Haskell Indian Junior College. (28) Leech Lake Tribal College. (29) College of the Menominee Nations.

SEC. 533. Land-Grant Status for 1994 Institutions.

(a) In General–

(1) Status of 1994 Institutions.—Except as provided in paragraph (2), 1994 Institutions shall be considered land-grant colleges established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503, 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act).

(2) 1994 Institutions.

(A) 1994 Institutions shall not be considered as land-grant colleges that are eligible to receive funding under—

(i) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.)

(ii) the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343), except as provided under section 3(b)(3) of such Act (as added by section 534(b)(1) of this part); or

(iii) the Act of August 30, 1890 (26 Stat. 417, chapter 841, 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act.)

(B) In lieu of receiving donations under the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et

seq.) (commonly known as the First Morrill Act), relating to the donations of public land or scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, 1994 Institutions shall receive funding pursuant to the authorization under subsection (b).

(b) Authorization of Appropriations.—There are authorized to be appropriated $4,600,000 for each of fiscal years 1996 through 2000. Amounts appropriated pursuant to this section shall be held and considered to have been granted to 1994 Institutions to establish an endowment pursuant to subsection (c).

(c) Endowment.—

(1) In General.—In accordance with this subsection, the Secretary of the Treasury shall establish a 1994 Institutions Endowment Fund (hereafter in this subsection referred to as the "endowment fund"). The Secretary may enter into such agreements as are necessary to carry out this subsection.

(2) Deposit of the Endowment Fund.—The Secretary shall deposit in the endowment fund any—

(A) amounts made available by appropriations pursuant to subsection (b) (hereafter in this subsection referred to as the "endowment fund corpus"); and

(B) interest earned on the endowment fund corpus.

(3) Investments.—The Secretary shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

(4) Withdrawals and Expenditures.—The Secretary may not make a withdrawal or expenditure from the endowment fund corpus. On the termination of each fiscal year, the Secretary shall withdraw the amount of the income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows:

(A) 60 percent of the adjusted income shall be distributed among the 1994 Institutions on a pro rata basis. The proportionate share of the adjusted income received by a 1994 Institution under this subparagraph shall be based on the Indian student count (as defined in section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2397h(3)) for each 1994 Institution for the fiscal year.

(B) 40 percent of the adjusted income shall be distributed in equal shares to the 1994 Institutions.

SEC. 534. Appropriations.

(a) Authorization of Appropriations.—

(1) In General.—For fiscal year 1996, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury an amount equal to—

(A) $50,000; multiplied by

(B) the number of 1994 Institutions.

(2) Payments—for each fiscal year, the Secretary of the Treasury shall pay to the treasurer of each 1994 Institution an amount equal to—

(A) the total amount made available by appropriations pursuant to paragraph (1); divided by

(B) the number of 1994 Institutions.

(3) Use of Funds; Requirements.—The amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (26 Stat. 417, chapter 841, 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act), and, except as otherwise provided in this subsection, the requirements of such Act shall apply to 1994 Institutions.

(b) Funding.—Section 3 of the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(3) There are authorized to be appropriated for the fiscal year ending June 30, 1996, and for each fiscal year thereafter, for payment on behalf of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994), $5,000,000 for the purposes set forth in section 2. Such sums shall be in addition to the sums appropriated for the several States and Puerto Rico, the Virgin Islands, and Guam under the provisions of this section. Such sums shall be distributed on the basis of a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to State institutions established in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act) (other than 1994 Institutions) and administered by such institutions through cooperative agreements with 1994 Institutions in the States of the 1994 Institutions in accordance with regulations that the Secretary shall adopt."

(2) by redesignating subsection (f) as subsection (g), and

(3) by inserting after subsection (e) the following new subsection: (f) There shall be no matching requirement for funds made available pursuant to subsection (b)(3).".

SEC. 535. Institutional Capacity Building Grants.

(a) Definitions.—As used in this section:

(1) Federal Share.—The term "Federal share" means with respect to a grant awarded under subsection (b), the share of the grant that is provided from Federal funds.

(2) Non-Federal Share.—The term "non-Federal share" means, with respect to a grant awarded under subsection (b) the matching funds paid with funds other than funds referred to in paragraph (1), as determined by the Secretary.

(3) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(b) In General.—

(1) Institutional Capacity Building Grants.—For each of fiscal years 1996 through 2000, the Secretary shall make two or more institutional capacity building grants to assist 1994 Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital

facilities (including fixtures and equipment) necessary to conduct instructional activities more effectively in agriculture and sciences.

(2) Requirements for Grants.—The Secretary shall make grants under this section—

(A) on the basis of a competitive application process under which appropriate officials of 1994 Institutions may submit applications to the Secretary in such form and manner as the Secretary may prescribe; and

(B) in such manner as to ensure geographic diversity with respect to the 1994 Institutions that are the subject of the grants.

(3) Demonstration of Need.—The Secretary shall require as part of an application for a grant under this subsection, a demonstration of need. The Secretary may only award a grant under this subsection to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

(4) Payment of Non-Federal Share.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount specified by the Secretary.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Agriculture to carry out this section, $1,700,000 for each of fiscal years 1996 through 2000.

For Further Reading

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NASULGC Facts

WHAT:

A voluntary, non-profit association of public universities, the nation's land-grant institutions and many state university systems, the National Association of State Universities and Land-Grant Colleges (NASULGC) has member campuses in all 50 states and the U.S. territories. The association is governed by a chair and board of directors elected from the member colleges, universities and university systems. Its president is C. Peter Magrath, who directs a staff of 35 at its Washington, D.C. offices.

WHO:

As of March 1995, the association's membership included 181 institutions. Currently NASULGC campuses enroll more than 2.9 million students and claim upwards of 20 million alumni.

WHEN:

With roots going back to 1887, NASULGC is the nation's oldest higher education association. In 1963, the American Association of Land-Grant Colleges and State Universities merged with the National Association of State Universities to form the present National Association of State Universities and Land-Grant Colleges, or NASULGC (na SUL jick).

WHY:

The association's overriding mission is to support high-quality public higher education and its member institutions as they perform their traditional teaching, research and public service roles. NASULGC provides a forum for the discussion and development of policies affecting higher education and the public interest.

HOW:

NASULGC aids its members by helping to

- Inform Congress, federal agencies, the news media, the general public and others about the special contributions of public universities;
- Promote a federal legislative program that strengthens public higher education;
- Encourage strong partnerships among public universities and the federal government, state and local governments, business and other segments of the higher education community;
- Develop further university-federal government partnerships in areas of mutual interest;
- Continue to work in support of historically black land-grant institutions coordinated through the Office for the Advancement of Public Black Colleges (OAPBC); and
- Continue to work on behalf of urban universities, supporting efforts that enhance the capacity of these institutions to deal with a wide range of urban problems.

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